

1910

PREFATORY NOTE.

The Act to Amend and Consolidate the acts respecting Copyright, approved March 4, 1909, provides "That, subject to the approval of the Librarian of Congress, the Register of Copyrights shall be authorized to make rules and regulations for the registration of claims to copyright as provided by this act" (sec. 53).

Under this authority of law, the following rules and regulations for the registration of claims to copyright have been prepared and put into force in the Copyright Office.

Thorwald Solberg
Register of Copyrights

Approved:

Herbert Putnam
Librarian of Congress.

RULES AND REGULATIONS FOR THE REGISTRATION OF CLAIMS TO COPYRIGHT.

1. Copyright under the act of Congress entitled: "An ^{Copyright under act.} act to amend and consolidate the acts respecting copyright," approved March 4, 1909, is ordinarily secured by printing and publishing a copyrightable work with a notice of claim in the form prescribed by the statute.
- 5 Registration can only be made *after* such publication, but the statute expressly provides, in certain cases, for registration of manuscript works.

WHO MAY SECURE COPYRIGHT.

2. The persons entitled by the act to copyright protection for their works are: ^{Persons entitled to copyright.}

(1) The *author* of the work, if he is:

(a) A citizen of the United States, or

(b) A resident alien domiciled in the United States at the time of the first publication of his work, or

- 15 (c) A citizen or subject of any country which grants either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens. The existence of reciprocal copyright conditions is determined
- 20 by presidential proclamation.*

(2) The *proprietor* of a work. The word "proprietor" is here used to indicate a person who derives his title to the work from the author. If the author of the work should be a person who could not himself claim the benefit of the

25 copyright act, the proprietor can not claim it.

(3) The *executors, administrators or assigns* of the above-mentioned author or proprietor.

* Presidential copyright proclamations have been issued securing to the citizens or subjects of the following countries copyright privileges in the United States: Austria, Belgium, Chile, China, Costa Rica, Cuba, Denmark, France, Germany, Great Britain and her possessions, Guatemala, Honduras, Italy, Japan, Luxemburg, Mexico, Netherlands (Holland) and possessions, Nicaragua, Norway, Portugal, Salvador, Spain, and Switzerland.

REGISTRATION.

Copyright registration.

3. After the publication of any work entitled to copyright, the claimant of copyright should register this claim in the Copyright Office. An action for infringement of copyright can not be maintained in court until the provisions with respect to the deposit of copies and registration of such work shall have been complied with. 5

A certificate of registration is issued to the applicant and duplicates thereof may be obtained on payment of the statutory fee of 50 cents. 10

SUBJECT-MATTER OF COPYRIGHT.

Works subject to copyright.

4. The act provides that no copyright shall subsist in the original text of any work published prior to July 1, 1909, which has not been already copyrighted in the United States (sec. 7). 15

Section 5 of the act divides the works for which copyright may be secured into eleven classes, as follows:

(a) *Books*.—This term includes all printed literary works (except dramatic compositions) whether published in the ordinary shape of a book or pamphlet, or printed as a leaflet, card, or single page. The term "book" as used in the law includes tabulated forms of information, frequently called charts; tables of figures showing the results of mathematical computations, such as logarithmic tables; interest, cost, and wage tables, etc., single poems, and the words of a song when printed and published without music; librettos; descriptions of moving pictures or spectacles; encyclopædias; catalogues; directories; gazetteers and similar compilations; circulars or folders containing information in the form of reading matter other than mere lists of articles, names and addresses, and literary contributions to periodicals or newspapers. 20 25 30

Blank books, etc., not copyrightable.

5. The term "book" can not be applied to—

Blank books for use in business or in carrying out any system of transacting affairs, such as record books, account books, memorandum books, diaries or journals, bank deposit and check books; forms of contracts or leases which do not contain original copyrightable matter; coupons; forms for use in commercial, legal, or financial transactions, which are wholly or partly blank and whose value lies in their usefulness and not in their merit as literary compositions. 35 40

Directions on scales, or dials, or mathematical or other instruments; puzzles; games; rebuses; labels; wrappers; formulæ on boxes, bottles, and other receptacles of articles for sale or meant to accompany such articles.

- 5 Advertisements or catalogues which merely set forth the names, prices, and places where articles are for sale.

Prefaces or other introductory matter to works not themselves entitled to copyright protection, such as blank books.

- 10 Calendars are not capable of registration as such, but if they contain copyrightable reading matter or pictures they may be registered either as "books" or as "prints" according to the nature of the copyrightable matter.

6. (b) *Periodicals*.—This term includes newspapers, Periodicals.
 15 magazines, reviews, and serial publications appearing oftener than once a year; bulletins or proceedings of societies, etc., which appear regularly at intervals of less than a year; and, generally, periodical publications which would be registered as second-class matter at the post-
 20 office.

7. (c) *Lectures, sermons, addresses*, or similar productions, prepared for oral delivery. Lectures, etc.

8. (d) *Dramatic and dramatico-musical compositions*, Dramatic compositions, etc.
 such as dramas, comedies, operas, operettas and similar
 25 works.

The designation "dramatic composition" does not include the following: Dances, ballets, or other choregraphic works; tableaux and moving picture shows; stage settings or mechanical devices by which dramatic
 30 effects are produced, or "stage business;" animal shows, sleight-of-hand performances, acrobatic or circus tricks of any kind; descriptions of moving pictures or of settings for the production of moving pictures. (These, however, when printed and published, are registrable as "books.")

- 35 9. *Dramatico-musical compositions* include principally Dramatico-musical compositions, etc.
 operas, operettas, and musical comedies, or similar productions which are to be acted as well as sung.

Ordinary songs, even when intended to be sung from the Songs separately published.
 stage in a dramatic manner, or separately published songs
 40 from operas and operettas, should be registered as musical compositions, not dramatico-musical compositions.

10. (e) *Musical compositions*, including other vocal and Musical compositions.
 all instrumental compositions, with or without words.

But when the text is printed alone it should be registered as a "book," not as a "musical composition."

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“Adaptations” and “arrangements” may be registered as “new works” under the provisions of section 6. Mere transpositions into different keys are not expressly provided for in the copyright act; but if published with copyright notice and copies are deposited with application, registration will be made.

Maps. 11. (f) *Maps*.—This term includes all cartographical works, such as terrestrial maps, plats, marine charts, star maps, but not diagrams, astrological charts, landscapes, or drawings of imaginary regions which do not have a real existence.

Works of art. 12. (g) *Works of art*.—This term includes all works belonging fairly to the so-called fine arts. (Paintings, drawings, and sculpture.)

Productions of the industrial arts utilitarian in purpose and character are not subject to copyright registration, even if artistically made or ornamented.

Toys, games, etc. No copyright exists in toys, games, dolls, advertising novelties, instruments or tools of any kind, glassware, embroideries, garments, laces, woven fabrics, or any similar articles.

Reproductions of works of art. 13. (h) *Reproductions of works of art*.—This term refers to such reproductions (engravings, woodcuts, etchings, casts, etc.) as contain in themselves an artistic element distinct from that of the original work of art which has been reproduced.

Drawings or plastic works. 14. (i) *Drawings or plastic works of a scientific or technical character*.—This term includes diagrams or models illustrating scientific or technical works, architects’ plans, designs for engineering work, etc.

Photographs. 15. (j) *Photographs*.—This term covers all positive prints from photographic negatives, including those from moving-picture films (the entire series being counted as a single photograph), but not photogravures, half tones, and other photo-engravings.

Prints and pictorial illustrations. 16. (k) *Prints and pictorial illustrations*.—This term comprises all printed pictures not included in the various other classes enumerated above.

Articles for use not copyrightable. Articles of utilitarian purpose do not become capable of copyright registration because they consist in part of pictures which in themselves are copyrightable, e. g., puzzles, games, rebuses, badges, buttons, buckles, pins, novelties of every description, or similar articles.

Postal cards can not be copyrighted as such. The pictures thereon may be registered as “prints or pictorial

illustrations" or as "photographs." Text matter on a postal card may be of such a character that it may be registered as a "book."

Mere ornamental scrolls, combinations of lines and colors, decorative borders, and similar designs, or ornamental letters or forms of type are not included in the designation "prints and pictorial illustrations." Trade-marks can not be copyrighted nor registered in the Copyright Office.

10 HOW TO SECURE REGISTRATION.

17. Copyright registration may be secured for:

Registerable
works.

(1) Unpublished works.

(2) Published works.

UNPUBLISHED WORKS.

15 *Unpublished works* are such as have not at the time of registration been printed or reproduced in copies for sale, or been publicly distributed. They include: (a) Lectures, sermons, addresses, or similar productions for oral delivery; (b) dramatic and musical compositions; (c) photographic prints; (d) works of art (paintings, drawings, and sculpture), and (e) plastic works.

In order to secure copyright in such unpublished works, the following steps are necessary:

18. (1) In the case of lectures, sermons, addresses, and dramatic and musical compositions, deposit one type-written or manuscript copy of the work. Registration of
unpublished
works.

This copy should be in convenient form, clean and legible, the leaves securely fastened together, and should bear the title of the work corresponding to that given in the application.

The entire work in each case should be deposited. It is not sufficient to deposit a mere outline or epitome, or, in the case of a play, a mere scenario, or a scenario with the synopsis of the dialogue.

19. (2) In the case of photographs, deposit one copy of a positive print of the work. (Photo-engravings or photogravures are not photographs within the meaning of this provision.) Unpublished
photograph.

20. (3) In the case of works of art, models or designs for works of art, or drawings or plastic works of a scientific or technical character, deposit a photographic reproduction. Photograph of
work of art.

In each case the deposited article should be accompanied by an application for registration and a money order for the amount of the statutory fee.

Reproduction
of unpublished
work.

21. Any work which has been registered as an unpublished work, if reproduced in copies for sale or distribution, must be deposited a second time (two copies, accompanied by an application for registration and the statutory fee) in the same manner as is required in the case of works published in the first place. 5

PUBLISHED WORKS.

10

DEPOSIT OF COPIES.

Deposit of
copies.

22. After publication of the work with the copyright notice inscribed, two *complete* copies of the best edition of the work must be sent to the Copyright Office, with a proper application for registration correctly filled out 15 and a money order for the amount of the legal fee.

The statute requires that the deposit of the copyright work shall be made "promptly," which has been defined as "without unnecessary delay." It is not essential, however, that the deposit be made on the very day of 20 publication.

Definition of
"published
work."

23. Published works are such as are printed or otherwise produced and "placed on sale, sold, or publicly distributed" (*i. e.*, so that all persons who desire copies may obtain them without restriction or condition other than 25 that imposed by the copyright law). Representation on the stage of a play is not a publication of it, nor is the public performance of a musical composition publication. Works intended for sale or general distribution must first be printed with the statutory form of copyright notice 30 inscribed on every copy intended to be circulated.

NOTICE OF COPYRIGHT.

Form of notice.

24. The ordinary form of copyright notice for books, periodicals, dramatic and musical compositions is "Copyright, 19— (the year of publication), by A. B. (the name 35 of the claimant)." The name of the claimant printed in the notice should be the real name of a living person, or his trade name if he always uses one (but not a pseudonym or pen name), or the name of the firm or corporation claiming to own the copyright. The copyright notice 40 should not be printed in the name of one person *for the benefit of another*. The beneficiary's name should be printed in such cases.

25. In the case of maps, photographs, reproductions of ^{Short form of} works of art, prints or pictorial illustrations, works of ^{notice.} art, models or designs for works of art, and plastic works of a scientific or technical character, the notice may consist of the letter C, inclosed within a circle, thus ©, accompanied with the initials, monogram, mark, or symbol of the copyright proprietor. But in such cases the name itself of the copyright proprietor must appear on some accessible portion of the work, or on the mount of the picture or map, or on the margin, back, or permanent base or pedestal of the work.

26. The prescribed notice must be affixed to each copy ^{Notice upon} of the work published or offered for sale in the United States. But no notice is required in the case of foreign books printed abroad seeking *ad interim* protection in the United States, as provided in section 21 of the copyright act.

AMERICAN MANUFACTURE OF COPYRIGHT BOOKS.

27. The following works must be manufactured in the ^{Works pro-} United States in order to secure copyright: ^{duced in United} ^{States.}

(a) All "books" in the English language and books in any language by a citizen or domiciled resident of the United States must be printed from type set within the limits of the United States, either by hand or by the aid of any kind of typesetting machine, or from plates made within the limits of the United States from type set therein, or, if the text of such books be produced by lithographic process or photo-engraving process, then by a process wholly performed within the limits of the United States; and the printing of the text and binding of the book must be performed within the limits of the United States.

(b) All *illustrations* within a book produced by lithographic process or photo-engraving process and all *separate lithographs* or *photo-engravings* must be produced by lithographic or photo-engraving process wholly performed within the limits of the United States, except when the subjects represented in such illustrations in a book or such separate lithographs or photo-engravings "are located in a foreign country and illustrate a scientific work or reproduce a work of art."

28. Books by foreign authors in any language other than English are not required to be printed in the United States. ^{Books by for-} ^{ign authors.}

Books printed
abroad.

In the case of books printed abroad in the English language an *ad interim* term of copyright of thirty days from registration made in the Copyright Office within thirty days after publication abroad may be secured; but in order to extend the copyright to the full term of 5 protection, an edition of the work must be published in the United States within the thirty days *ad interim* term, printed or produced within the limits of the United States as required in section 15 of the copyright act.

APPLICATION FOR REGISTRATION.

10

Application for
registration.

29. The application for copyright registration required to be sent with each work (see No. 20) must state the following facts, without which no registration can be made:

(1) The *name* and address of the claimant of copy- 15 right.

(2) The *nationality* of the author of the work.

(3) The *title* of the work.

(4) The name and address of person to whom certificate is to be sent. 20

(5) In the case of all *published* works the actual date (year, month, and day) when the work was published.

Name of author.

30. In addition, it is desirable that the application should state for record the name of the author. If, however, the work is published anonymously or under 25 a pseudonym and it is not desired to place on record the real name of the author, this may be omitted. In the case of works made for hire, the employer may be given

Nationality of
author.

as the author. By the nationality of the author is meant citizenship, not race; a person naturalized in the 30 United States should be described as an American. An author, a citizen of a foreign country having no copyright relations with the United States, may secure copyright in this country, if at the time of publication of his work he is a permanent resident of the United States. 35 The fact of such permanent residence in the United States should be expressly stated in the application. Care should be taken that the title of the work, the name of the author, and the name of the copyright claimant should be correctly stated in the application, 40 and that they should agree exactly with the same statements made in the work itself.

APPLICATION FORMS.

31. The Copyright Office has issued the following ap-^{Application} forms, which will be furnished on request, and should be used when applying for copyright registration:

- 5 A¹. Book by citizen or resident of the United States.
- A¹. New ed. New edition of book by citizen or resident of the United States.
- A¹ for. Book by citizen or resident of a foreign country, but manufactured in the United States.
- 10 A². Edition printed in the United States of a book originally published abroad in the English language.
- A³. Book by foreign author in foreign language.
- A⁴. Ad interim. Book published abroad in the English language.
- 5 A⁵. Contribution to a newspaper or periodical.
- B¹. Periodical. For registration of single issue.
- B². Periodical. General application and deposit.
- C. Lecture, sermon, or address.
- D¹. Published dramatic composition.
- 20 D². Dramatic composition not reproduced for sale.
- D³. Dramatico-musical composition.
- E¹. Published musical composition.
- E². Musical composition not reproduced for sale.
- F. Published map.
- 5 G. Work of art (painting, drawing, or sculpture); or model or design for a work of art.
- H. Reproduction of a work of art.
- I. Drawing or plastic work of a scientific or technical character.
- 0 J¹. Photograph published for sale.
- J². Photograph not reproduced for sale.
- K. Print or pictorial illustration.

AFFIDAVIT OF MANUFACTURE.

32. In the case of books by American authors and all^{Affidavit for} books in the English language the application must be accompanied by an affidavit, showing the following facts:

- (1) That the copies deposited have been printed from type set within the limits of the United States; or from plates made within the limits of the United States from type set therein; or if the text be produced by lithographic process or photo-engraving process, that such process was wholly performed within the limits of the

United States. Stating, in either case, the place and the establishment where such work was done.

(2) That the printing of the text has been performed within the limits of the United States, showing the place and the name of the establishment doing the work.

(3) That the binding of such book has been performed within the limits of the United States, showing the place and the name of the establishment where the work was done. This can be omitted if the work is unbound.

(4) That the completion of the printing of said book was on a stated day, or that the book was published on a given date.

Date of publication.

Section 62 of the copyright act defines the date of publication as "the earliest date when copies of the first authorized edition *were placed on sale, sold, or publicly distributed* by the proprietor of the copyright or under his authority."

Affidavit must be under seal.

33. The affidavit may be made before any officer authorized to administer oaths within the United States who can affix his official seal to the instrument.

The applicant and the officer administering the oath for such affidavit are specially requested to make sure that the instrument is properly executed, so as to avoid the delay of having it returned for amendment. Experience shows that among the common errors made by applicants are the following:

Errors by applicants.

Failure to write in the "venue," that is, the name of the county and State, and to make sure that the notary's statement agrees.

Reciting a corporation or partnership as affiant. Oaths can be taken only by individuals.

Failure to state in what capacity the affiant takes the oath, whether as claimant, agent of the claimant, or printer. Where a corporation or firm is the claimant, the affiant should swear as agent.

Failure to state the *exact date* of publication or completion of printing. The month alone is insufficient.

Failure to sign the affidavit. The signature should correspond exactly with the name of the affiant stated at the beginning. Corporation or firm names must not appear in this place.

Failure to obtain signature of the notary after swearing to the contents.

Failure to obtain the seal of the notary.

Swearing before an officer not authorized to act in the place stated in the venue.

Variance between names and dates as stated in the affidavit and the application.

The affidavit must never be made before the day of publication.

- 5 34. The affidavit may be made by: (1) The person ^{By whom affi-} claiming the copyright; or (2) his duly authorized agent ^{davit may be} or representative residing in the United States; or (3) the printer who has printed the book. ^{made.}

10 The person making the affidavit must state in which of the above-mentioned capacities he does so.

35. In the case of a foreign author applying for a book ^{Book in foreign} in a language other than English, no affidavit is required, ^{language.} as such books are not subject to the manufacturing clause.

15 In the case of a foreign author applying for a book in the English language, the same affidavit must be made as in that of an American author, except where a book is deposited for *ad interim* protection under section 21. In such cases the affidavit must be filed when the *ad interim* copyright is sought to be extended to the full term.

20 The affidavit is only required for BOOKS.

PERIODICALS (FORM B).

36. Application should be made in the same manner as ^{Periodicals.} for books, depositing two copies, but no affidavit is required.

25 Separate registration is necessary for each number of the periodical published with a notice of copyright, and can only be made after publication. It is not possible to register the title of the periodical in advance of publication.

30 CONTRIBUTIONS TO PERIODICALS (FORM A⁵).

37. If special registration is requested for any contribution to a periodical, ^{Contributions} one copy of the number of the ^{to periodicals.} periodical in which the contribution appears should be deposited promptly after publication.

35 The entire copy should be sent; sending a mere clipping or a page containing the contribution does not comply with the statute.

The date of publication of a periodical is not necessarily the date stated on the title-page. The application should
40 state the day on which the issue is "first placed on sale, sold, or publicly distributed," which may be earlier or later than the date printed on the title-page.

AD INTERIM APPLICATIONS (FORM A⁴).Ad interim
copyright.

38. Where a book in the English language has been printed abroad, an *ad interim* copyright may be secured by depositing in the Copyright Office one complete copy of the foreign edition, with an application containing a request for the reservation and a money order for \$1. Such applications should state: (1) Name and nationality of the author; (2) Name and nationality of the copyright claimant; (3) Exact date of original publication abroad.

The deposit must be made within thirty days from publication abroad. Whenever, within the thirty days' period of *ad interim* protection, an edition manufactured in the United States is published, and two copies are deposited, the copyright claim therein may be registered the same as any other book (Form A³).

MAILING APPLICATIONS AND COPIES.

Address of mail
matter.

39. All mail matter intended for the Copyright Office should be addressed to the "Register of Copyrights, Library of Congress, Washington, D. C." No letters dealing with copyright matters should be addressed to individuals in the office.

Copyright matter designed for deposit in the Copyright Office will be transmitted by the postmaster free of charge when requested. The postmaster will also, when requested, give a receipt for matter so delivered to him for transmission.

No franking label is issued by the Copyright Office for this purpose.

FEES.

Copyright fees.

40. The fee required to be paid for copyright registration is \$1, except that in case of photographs it is only 50 cents when no certificate of registration is desired.

Remittances.

All remittances to the Copyright Office should be sent by money order or bank draft. Postage stamps should not be sent for fees or postage. Checks can not be accepted unless certified. Coin or currency inclosed in letter or packages if sent will be at the remitter's risk.

Publishers may for their own convenience deposit in the Copyright Office a sum of money in advance against which each registration will be charged.

ASSIGNMENTS OF COPYRIGHT.

41. When a copyright has been assigned the instrument in writing signed by the proprietor of the copyright may be filed in this office for record within six calendar months after its execution without the limits of the United States or three calendar months within the United States. Assignments of copyright.

After having been recorded the original assignment will be returned to the sender with a sealed certificate of record attached.

42. The fee for recording and certifying an assignment is \$1 up to 300 words; \$2 from 300 to 1,000 words; and another dollar for each additional thousand words or fraction thereof over 300 words. Fee for recording assignment.

43. After the assignment has been duly recorded, the assignee may substitute his name for that of the assignor in the copyright notice on the work assigned. Such substitution or transfer of ownership will be indexed in this office upon request, at a cost of 10 cents for each work assigned. Name of assignee in claim.

NOTICE OF USER OF MUSICAL COMPOSITIONS.

44. Whenever the owner of the copyright in a musical composition uses such music in phonographs himself or permits anyone else to do so, he must send a notice of such use by him or by any other person to the Copyright Office to be recorded. Notice of user of music.

45. Whenever any person in the absence of a license intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce the same mechanically, the act requires that he shall serve notice of such intention upon the copyright proprietor and must also send a duplicate of such notice to the Copyright Office. Notice in absence of license.

APPLICATION FOR THE RENEWAL OR EXTENSION OF
SUBSISTING COPYRIGHTS.

46. Application for the renewal or extension of a subsisting copyright (except copyright of a composite work) may be filed within one year prior to the expiration of the existing term by: Renewals and extensions.

(1) The author of the work if still living;

(2) The widow, widower, or children of the author if the author is not living;

(3) The author's executor, if such author, widow, widower, or children be not living;

(4) If the author, widow, widower, and children are all dead, and the author left no will, then the next of kin.

Renewal for
composite work.

47. If the work be a composite work upon which copyright was originally secured by the proprietor thereof, then such proprietor is entitled to the privilege of renewal and extension.

Renewal fee.

48. The fee for the recording of the renewal claim is 50 cents. Application for the renewal or extension of copyright can not be recorded in the name of an assignee nor in that of any person not expressly mentioned in section 24 of the act.

SEARCHES.

Searches.

49. Upon application to the Register of Copyrights search of the records, indexes, or deposits will be made for such information as they may contain relative to copyright claims. Persons desiring searches to be made should state clearly the nature of the work, its title, the name of the claimant of copyright and probable date of entry; in the case of an assignment, the name of the assignor or assignee or both, and the name of the copyright claimant and the title of the music referred to in case of notice of user.

Search fee.

The statutory fee for searches is 50 cents for each full hour of time consumed in making such search.

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